

PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT

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DATE: March 27, 2003

TO: Orange County Zoning Administrator

FROM: Planning and Development Services Department/Current Planning Services Division

SUBJECT: Public Hearing on Planning Application PA03-0007 for Coastal Development Permit

PROPOSAL: The applicant proposes additions and modification to increase the size of the existing single-family dwelling (currently containing 2,250 square feet of living area) by 58 percent (1,300 square feet of new living area). The site is in an appealable area of the Coastal Zone and any increase over 10 percent requires approval of a Coastal Development Permit.

LOCATION: The project is located in the community of Emerald Bay, on the ocean side of Pacific Coast Highway, at 138 Emerald Bay, Laguna Beach. Fifth Supervisorial District.

APPLICANT: William Hart, property owner

STAFF William V. Melton, Project Manager
CONTACT: Phone: (714) 834-2541 FAX: (714) 667-8344

SYNOPSIS: Current Planning Services Division recommends Zoning Administrator approval of PA03-0007 for Coastal Development Permit subject to the attached Findings and Conditions of Approval.

BACKGROUND:

The project site is very irregular shaped and developed with a single-family dwelling. The site is located in the community of Emerald Bay and is on the ocean side of Pacific Coast Highway. Variance activities on this lot go back to 1952. The setbacks requirements for this lot were established with the 1952 variance (V801). The applicant proposes to increase the size of the existing garage and add a new bedroom suite above the garage. The side yard setback proposed for the new additions and modifications, as well as the driveway length, conforms to the County requirements.

SURROUNDING LAND USE:

The project site and all surrounding properties are zoned R1 "Single-family Residence" District with a CD "Coastal Development" District overlay, and developed with single-family dwellings (see photo on next page). Emerald Bay also has a certified Local Coastal Program (LCP). The LCP has a requirement that all properties on the ocean side of Pacific Coast Highway, as is this property, are also subject to regulations contained in Zoning Code Section 7-9-118 "Coastal Development" District. In general, property owners are required to obtain approval of a Coastal Development Permit prior to demolishing a

dwelling or making a large addition to an existing residence and/or construction of a new dwelling. Properties located inland of Pacific Coast Highway are not subject to the CD regulation and are not subject to obtaining a Coastal Development Permit for new construction.



REFERRAL FOR COMMENT AND PUBLIC NOTICE:

A Notice of Hearing was mailed to all owners of record within 300 feet of the subject site and occupants of dwelling units within 100 feet of the subject site. Additionally, a notice was posted at the site, at the 300 N. Flower Building and as required by established public hearing posting procedures. A copy of the planning application and a copy of the proposed site plan were distributed for review and comment to four County Divisions and the Emerald Bay Community Association. As of the writing of this staff report, no comments raising issues with the project have been received from other County divisions. The Emerald Bay Community Association's Board of Directors approved the proposal on November 5, 2002

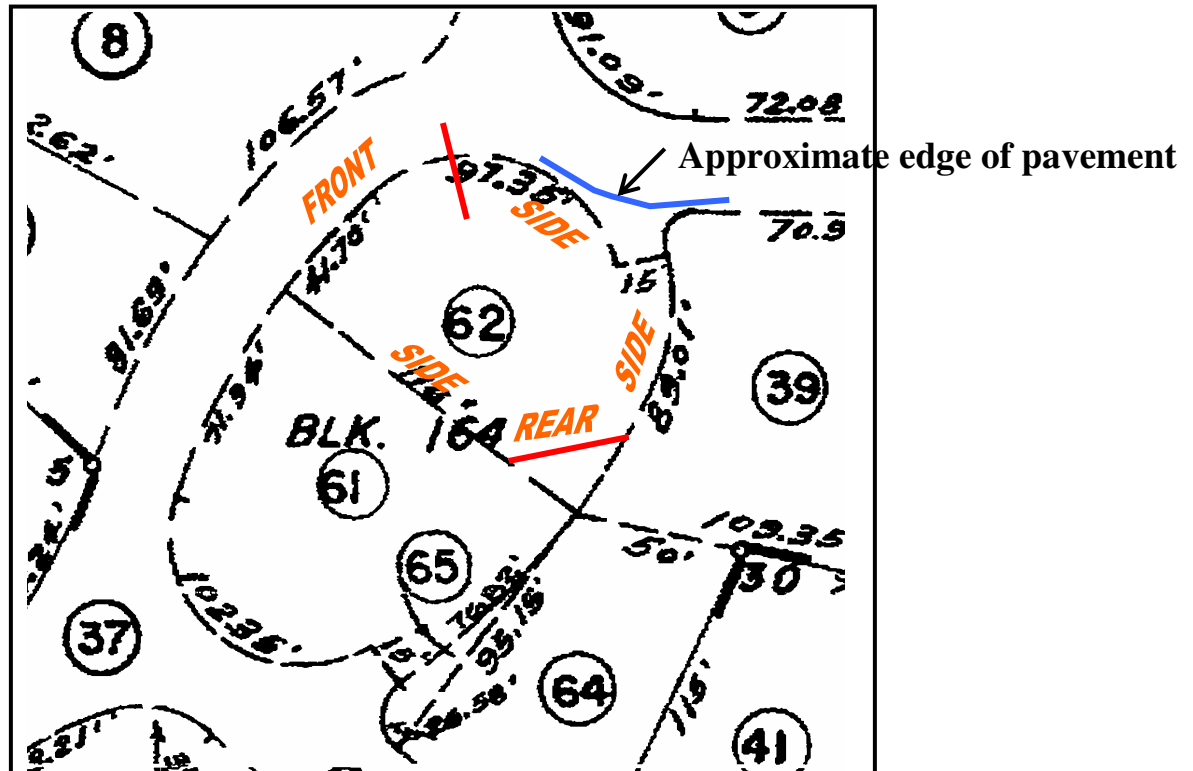
CEQA COMPLIANCE:

The proposed project is Categorically Exempt (Class 1, repair or minor alteration of existing structures or facilities) from the requirements of CEQA. Appendix A contains the required CEQA Finding.

DISCUSSION/ANALYSIS:

The lot has an unusual shape due to what appears to be driveway approach from the street. This unusual shape is repeated at the adjoining lot (163 Emerald Bay). The lot shape also created custom setback

requirements. The diagram below shows the unusual shape of the lot and the previously defined front, side and rear property lines used to determine the site setbacks. The property line indicated as “15” is where the modified garage and new second story additions is proposed. The new garage and second story addition area is located 5 feet from the property line, which is the required setback (Zoning Code Section 7-9-127). The new garage door is located over 18 feet from the edge of the pavement, which also conforms to the setback requirement in the off-street parking standards (Zoning Code Section 7-9-145).



The project conforms to all development standards of the R1 District (Zoning Code Section 7-9-74), and applicable regulations of the CD “Coastal Development” District (Zoning Code Section 7-9-118). As previously stated, the reason for the Coastal Development Permit is that the project site is in an appealable area (to the Coastal Commission) and additions to existing structures in excess of ten percent are not exempt for obtaining a Coastal Development Permit. No planning issues were identified during staff’s review of the proposal. Staff supports the applicant’s Coastal Development Permit request and recommends project approval as follows:

RECOMMENDED ACTION:

Current Planning Services Division recommends the Zoning Administrator:

- a. Receive staff report and public testimony as appropriate; and,

- b. Approve Planning Application PA03-0007 for Coastal Development Permit subject to the attached Findings and Conditions of Approval.

Respectfully submitted

Chad G. Brown, Chief
CPSD/Site Planning Section

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APPENDICES:

- A. Recommended Findings
- B. Recommended Conditions of Approval

EXHIBITS:

1. Applicant's Letter of Explanation
2. Site Photos
3. Site Plans

APPEAL PROCEDURE:

Any interested person may appeal the decision of the Zoning Administrator on this permit to the Orange County Planning Commission within 15 calendar days of the decision upon submittal of required documents and a filing fee of 245.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana. If you challenge the action taken on this proposal in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this report, or in written correspondence delivered to the Planning and Development Services Dept.

In addition, this project is within the Coastal Zone and is an "appealable development". Approval of an appealable development may be appealed directly to the California Coastal Commission (telephone number 562-560-5071), in compliance with their regulations, without exhausting the County's appeal procedures.